THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5434 of 2007

Date: 16.03.2007

Between:

Mandalika Narayana Rao

....Petitioner

And

The Government of A.P. and others.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5434 of 2007

O R D E R:

Petitioners state that they are the absolute owners and possessors of plot No.86, admeasuring 293.33 square yards, in Survey No.23 of Adivivaram Village and Panchayat, Chinnagadili Mandal, Gopalapatnam Sub-Registrar, Visakhapatnam District. It is stated that they intended to sell the said land and entered into terms and conditions of sale, and approached the second respondent, with a request to furnish the details of stamp duty and registration fee. The grievance of the petitioners is that the second respondent is not accepting any document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government

to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the second respondent to receive and process the document that may be presented by the petitioners and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 16.03.2007
Note: Issue C.C. in one week.
(B/o)
JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77